

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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July 14, 2011

Ref: EPR-SR

The Honorable Max Baucus
United States Senate
Washington, DC 20510-2602

Dear Senator Baucus:

Thank you for your letter of July 6, 2011, regarding the recent newspaper article on asbestos in the wood chip piles located at the former Stimson Mill property in Libby, Montana. On behalf of EPA Administrator Lisa Jackson, the EPA appreciated the opportunity to meet with you last week on this matter and to provide you with the facts regarding this issue. This Administration has taken the unprecedented step of declaring a public health emergency under law and invested almost \$400 million public dollars to clean up the town thus far. EPA will not walk away from the people of Libby. We are here for the duration to deal with issues, large and small, in a transparent, science-based and open manner. This EPA will honor its commitment to the people of Libby. Following are the EPA's responses to the questions presented in your letter:

1. When was the original toxicity report completed, and what was the level of toxicity of the woodchips?

EPA Response: The EPA collected samples in October 2007, from the wood chips at the Stimson Mill property. Asbestos was detected in 4 of 20 samples analyzed, but activity based sampling (ABS) on workers and equipment operators at the site indicated no asbestos exposure in personal air monitoring data. The EPA published the data in "The Libby Asbestos Site OU5 Final Sampling Summary Report 2007 Investigations," dated July 25, 2008. The EPA made this report available at the Libby information center in August 2008.

2. If EPA determined that further analysis was warranted, why was no further analysis completed and why were the wood chips allowed to be distributed?

EPA Response: In 2008, the ABS detected no asbestos in the personal air monitoring of workers and equipment operators. The EPA concluded there was no asbestos exposure to the workers. Workers are expected to have greater contact time with larger quantities of wood chips than individual homeowners, and so the likelihood of workers being exposed to contamination is expected to be higher. Thus, the fact that the worker ABS results showed no exposure to asbestos is reassuring regarding potential homeowner exposure. This summer we will do additional ABS studies to evaluate homeowner exposure. The

recent development of the draft Libby amphibole specific asbestos cancer and non-cancer toxicity factors in concert with community concern has prompted the EPA to reevaluate the wood chips. The EPA recommended to the Kootenai River Development Council (KRDC) in a March 25, 2011, letter and in subsequent conversations, that the wood chip material not be sold until we have more information. Our understanding is that KRDC accepted this recommendation. If the EPA finds with additional sampling and analysis that the wood chips pose an unacceptable risk or may pose an imminent and substantial endangerment to public health or the environment, the Agency would have a basis under CERCLA to stop KRDC from selling and distributing the material from the site. In addition, wood chips are not a listed product under the TSCA asbestos ban and phase-out rule, and the sale of wood chips is not a listed activity under the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP).

3. When the EPA became aware of the potentially toxic results of the bark and woodchip piles located at the mill, why was no further action taken?

EPA Response: When the EPA sampled the wood chips in 2007, the available analytical methods did not allow us to quantify the number of asbestos fibers present. This summer, we plan to re-analyze some of those samples using a method that can quantify the level of asbestos. Since the 2007 ABS analytical results showed no detections of asbestos and thus no exposure, the EPA saw no need for further action.

4. When did EPA become aware that the wood chips were being distributed?

EPA Response: The October 17, 2007, "The Libby Asbestos Site OUS Final Data Summary Report" states that material from the wood chip pile was being sold and distributed. This was the first report that documents the distribution of the wood chips.

5. Upon an internal investigation of EPA's actions, how will EPA plan to trace the truckloads of woodchips and, if necessary, implement a recall order?

EPA Response: As noted above, while the EPA does not have the authority to issue recall orders, the Agency collected and analyzed samples from the wood chips in 2007; this summer we plan to re-analyze some of those samples using a method that can quantify the level of asbestos. In addition, the EPA will perform new ABS this summer to evaluate exposure to asbestos from residential uses of the wood chips. We are moving ahead to complete toxicology assessments for both cancer and non-cancer health effects, which will allow us to complete a risk assessment for the site. If there is a significant risk from the wood chips, the EPA will develop a plan to address this issue.

6. Has EPA conducted a full analysis of the mill site, structures, and soils to determine what, if any, level of remediation is necessary to protect public health from asbestos contamination as well as other forms of contamination common at former mill sites?

EPA Response: An analysis of the Stimson Mill Site was documented in the Remedial Investigation Report for Operable Unit 5, which was published in September 2010. The

EPA is awaiting the finalization of the Libby Amphibole specific toxicity values before selecting a preferred remedial alternative for this Operable Unit.

7. In addition, please release all agency correspondence, memos, and decision documents pertaining to this issue.

EPA Response: The EPA is currently working on responding to your request for documents related to this issue, and we will provide you with this information as soon as possible. The EPA has not issued any decision documents pertaining to this issue.

We appreciate your continued interest in the EPA's clean-up actions in Libby. If you have further questions regarding the EPA's cleanup in Libby, please contact me or your staff may wish to contact Sandy Fells, Regional Congressional Liaison, at 303-312-6604 or fells.sandy@epa.gov.

Sincerely,


James B. Martin
Regional Administrator

